

BOARD OF FORESTRY AND FIRE PROTECTION

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**Management Committee Meeting Report**

MANAGEMENT COMMITTEE
February 1, 2011
Time: 8:00 a.m. – 10:00 a.m.

Location: **Resources Building**
15th Floor, Room 1506-12
Sacramento, California

Meeting Attendance

Committee Members Gary Nakamura (Chair) and Pam Giacomini; Doug Ferrier (Forest Slopes Management); Frank Mulhair (California Licensed Foresters Association); Charles Greenlaw, Dan Weldon (Alliance 4 Family Forests); Addie Jacobson (Ebbetts Pass Forest Watch); Larry Camp, Elizabeth Marshall Maybee, Jim Little (Forest Landowners of California); Richard Gienger (Humboldt Watershed Council); Paul Mason (Pacific Forest Trust); Jodi Frediani (Sierra Club/Central Coast Forest Watch); Staci Heaton (Regional Council of Rural Counties).

~ Items Appear in the order in which they were discussed by the Committee ~

Agenda Item #1: Discussion of possible revisions to Notices of Intent for Timber Harvesting Plans.

Staff provided a written briefing document to Committee participants in advance of the meeting. This item originated in the Department of Forestry and Fire Protection's 2009 *Report to the Board's Policy Committee on Recently Adopted Rules and Potential Changes to Existing Forest Practice Rules*. In that Report, the Department identified the desire to amend 14 CCR § 1032.7(d)(4) and 1092.04(d)(4) to include all acres where timber operations will occur, not just the area where timber will be harvested in Notices of Intent (NOI) for all plans and Program THPs (PTHPs). The Department similarly indicated a desire to amend 14 CCR § 1032.7(d)(5) and 1092.04(d)(5) to include a requirement for reporting of acreage in special prescriptions such as fuelbreak or other types of associated timber harvesting such as road right of way and timberland conversion in Notices of Intent (NOI) for all plans and Program THPs (PTHPs). Associated with these two suggestions, the Department also recommended that the Board review the current Forest Practice Rules definition of "logging area" and the lack of a definition for the term "plan area."

It was noted that this item corresponds somewhat with the Board's pending rule package to amend the Notice of Timber Operations (NTO) rules for Non-industrial Timber Management Plans (NTMPs). A hearing is to be conducted on this pending rule package the following day, February 2, 2011. The proposal seeks to require NTMP NTO reporting of acreage for each silvicultural prescription to be applied in an NTMP. At least one meeting participant suggested that the Notice of Intent issues be bundled with the NTMP NTO package and brought back to the Committee for further discussion.

Following further brief discussion of the item, staff was directed to follow up with the Department on the purpose and necessity for this proposal, and to place it on the agenda for the March meeting.

Agenda Item #2: Discussion of Forming a Technical Working Group to Consider Changes to Existing MSP Rule to Provide Contemporary Standards for MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)].

Staff provided a written briefing document to Committee participants in advance of the meeting.

This item originated in the Department of Forestry and Fire Protection's 2009 *Report to the Board's Policy Committee on Recently Adopted Rules and Potential Changes to Existing Forest Practice Rules*. In that Report, the Department recommended that the Board consider forming a technical advisory group to examine current Forest Practice Rule standards for MSP demonstration under option "a" versus a Sustained Yield Plan (SYP). This examination would also entail consideration of rule changes to "harmonize" the standards for option "a" and SYP MSP demonstration.

Following further brief discussion of the item, staff was directed to research the origins of each rule standard in order to ascertain the reasons why each evolved differently. Staff was also directed to follow up with the Department on the purpose and necessity for this proposal, and to place it on the agenda for the March meeting.

Agenda Item #3: Discussion of Options for Increasing Non-industrial Timber Management Plan acreage.

Staff provided a written briefing document to Committee participants in advance of the meeting. It was noted that changes to the NTMP acreage maximum of 2,500 acres could only occur through a legislative change to the authorizing statute. Several such past legislative proposals to increase NTMP acreage have failed to reach passage.

One of the Committee participants suggested that any further legislative attempts to increase acreage would also need to include new additional constraints or compliance requirements in order to move forward. Another participant expressed strong support for an acreage increase noting that intergenerational family transfer of non-industrial timberlands is extremely costly and difficult. Providing additional means for cost-effective timber management across all timbered acres on a family ranch could help offset the adverse economic impacts of federal estate taxes and ranch operating costs. This in turn could help reduce the potential for subdivision and sale of all or portions of long standing family owned ranches and keep forested acres from conversion to other uses. It was inferred by another Committee participant that a legislative proposal to increase NTMP acreage is likely already in the works and that the Board should prepare for a possible opportunity to comment on the proposal.

Following further discussion, staff was directed to research the origins of the original authorizing statute and subsequent attempts to amend it. Staff was further directed to collect relevant NTMP monitoring information by the Department and others; compile additional legislative "wish list" items that various individuals or groups would like to see amended into the legislation along with an acreage increase; and to consult with agency personnel and NTMP proponents on the perceived effectiveness and utility of the NTMP program. Staff was directed to provide the results of this research and place this topic on the agenda for the March meeting.

Agenda Item #4: New and Unfinished Business.

a. SYP Renewal Update – deferred.

b. February 2011 Agenda Items and Review of 2011 Committee Priorities

Staff requested that meeting participants review the 2011 Committee priorities report and assist the Committee with identification of additional workload priorities.

c. Mr. Frank Mulhair reported that he is continuing to follow up on an item suggested by Mr. Charles Greenlaw. The item is the possible assembly of a comprehensive, tabbed guidelines document to inform timber harvesting plan preparation and review.

Possible Agenda Items for March 2011 Meeting

1. Discussion of possible revisions to 14 CCR § 1032.7(d)(4) & (5) and 1092.04(d)(4) & (5) to include requirements for reporting of all acres where timber operations will occur and all acres where special prescriptions such as fuelbreak, road right of way treatment, and timberland conversion will be utilized.
2. Discussion of forming a technical working group to consider changes to existing MSP rule to provide contemporary standards for the MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)].
3. Discussion of the Non-industrial Timber Management Plan acreage maximum.
4. New and Unfinished Business:
 - a. Soquel Demonstration State Forest Advisory Committee Update
 - b. Forest Practice Rules Guidelines Update
 - c. Review of Agenda Items and 2011 Committee Priorities

Management Committee

The mission of the Management Committee is to evaluate and promote long-term, landscape level planning approaches to support natural resource management on California's non-federal forest and rangelands.

PRIORITIES 2011

PRIORITY 1:

Evaluation/Monitoring of Forest Practice Rules:

1. **(D09 #12) Modified THP for fuel reduction:** *The Board could make changes to increase the utility of an MTHP, e.g., expanding the allowable acreage, limiting the application to small timberland owners and modifying certain limitations, or, as is currently being considered, focus a category of MTHPs on fuels reduction. Phase 7. Stakeholder input. Discussion of monitoring, photo points. **Objective: Complete by early 2011***
2. **Jackson (Liaison to JAG):** *Harvesting began in 2009. Nearing end of interim period; will need to consider revisions to management by end of 2010.*

PRIORITY 2:

3. **Soquel:** *Updated Management Plan under development. **Objective: Management Plan Update and CEQA coverage to be completed by 2011.***
4. **(D09 #15)14 CCR § 1092.04(d)** [in part], A Notice of Intent shall include the following information: **(4)** *The acres proposed to be harvested. **(5)** The regeneration methods and intermediate treatments to be used. 14 CCR § 1092.04(d)(4) requires stating the acres proposed to be harvested. Board should amend this paragraph to include all acres where **timber operations** will occur. Board should consider the current definition of logging area and the lack of a definition of plan area. 14 CCR § 1092.04(d)(5) This paragraph may not capture all possible treatments that may occur under a plan (special prescriptions, road right-of-way, or fuelbreak.)*

5. **(D09 #4)14 CCR § 913.11(a) [933.11(a), 953.11(a)]**. Board should consider forming a technical working group to consider changes to existing MSP rule to provide more concrete standards for the MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)]. Consider implications for assuring AB 32 targets.

PRIORITY 3:

6. **Sustained Yield Plan (SYP) Review:** Rules for SYP extension adopted. Comprehensive review of SYP and implementation of extension, 2010. **Objective: Complete in 2011**
7. **Non-Industrial Timber Management Plan (NTMP) Review:** Ongoing review of issues. Department Draft NTMP Growth and Yield Guidelines document posted on Department website—currently in use by Department plan review personnel. Review Guidelines, February 2010. **Objective: Complete by early 2011**

UNPRIORITIZED

8. Long term stability and management

- Increase NTMP acreage (cuts burden of repetitive THP processing)
 - Create a separate but complimentary rule package that provides incentives for community owned forests, properties with some portion of the ownership covered by conservation easements, and or non- industrial landowners who own more than 2,500 acres (5,000, 7500, 10,000?) of timberland whereby other public benefits are provided such as public access, recorded conservation easements, agreement to maintain higher than regional average stocking levels and restrictions on harvest within stream buffers.
- Fuel reduction projects that allow log sales as cost-defraying incentives
- Changes to the Modified THP to increase utility and reduce costs
- Promote PTEIR cooperatives for regional/watershed groups (Mattole Restoration Council, Fire Safe Councils)
- Use private forest certification concepts to reduce costs and regulatory oversight

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